IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISCELLANEOUS APPLICATION NO.106 OF 2002.

1. Mr. R.K. Chawla,
   Director, M/s. Goa Food
   & Pharma(P) Ltd.,
   109, Kundaim Industrial Estate,
   Kundaim, Ponda, Goa;

2. M/s. Goa Food & Pharma(P) Ltd.,
   (Registered under the Companies
   Act, 1956),
   109 Kundaim Industrial Estate,
   Kundaim, Ponda, Goa ... APPLICANTS.

VERSUS

M/s. Goa Antibiotics & Pharma-
ceuticals Ltd. (A Government
of Goa Undertaking), through
its Attorney, Mr. Gerald John
Fernandes, Head of Personnel &
Administration, Tuem,
Pernem, Goa ... RESPONDENT/
NON-APPLICANT.

Mr. S.M. Singbal, Advocate for the Petitioners.

Mr. J.P. D'Souza with Mrs. C. Colasso, Advocates for the Respondent.

CORAM : D.G. DESHPANDE,J.

Dated : January 30, 2003.

ORAL ORDER

Heard the Advocates for the accused/Appli-
cants and the Non-Applicant/complainant.

2. A complaint came to be filed at the instance of the Non-Applicant under Section 420 of the Indian Penal Code against the accused. Without recording verification statement, the Magistrate ordered issue of process. The same came to be challenged by the accused before the Sessions Court in revision. The Revisional Court rejected the Revision. Hence this Application before this Court.

3. Today only, in Criminal Miscellaneous Application No.125 of 2002, a similar point was agitated. There also, the Magistrate issued process without examining the complainant as required by Section 200 of Criminal Procedure Code. Therefore, the Order of issue of process was quashed and set aside and the matter was sent back to Magistrate with direction to examine the complainant under Section 200 Cr.P.C. and then decide the matter according to law. Both the Advocates state that similar Order be passed in the circumstances.

4. Therefore, this Application is allowed. The Order of issue of process is quashed. The Magistrate is directed to record the verification statement under Section 200 of Criminal Procedure

Code and proceed according to law.

D.G. DESHPANDE,J.

ac.